UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

OLGA L. PARDO,

Plaintiff,

vs.

TOWN OF JOHNSTON, by and through its Treasurer, RICHARD F. CONNORS, et al.

Defendants.

C.A. No. 05-74 T

(R.I. Superior Court C.A. No. PC04-4559)

ANSWER OF DEFENDANTS,
THE TOWN OF JOHNSTON SCHOOL DEPARTMENT,
ELIZABETH MANTELLI, AND MICHAEL JOLIN

Now come defendants, the Town of Johnston School Department, Elizabeth Mantelli, and Michael Jolin, and hereby answer Plaintiff's Complaint as follows:

1. These Defendants deny the allegations contained in the Introductory Statement of Plaintiff's Complaint.

2. These Defendants admit the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of that portion of the Plaintiff's Complaint entitled, *Parties.*

3. These Defendants make no response to the allegations contained in paragraph 17 in that portion of the Plaintiff's Complaint entitled, *Jurisdiction*, and leave Plaintiff to her proof of same.

4. These Defendants make no response to the allegations contained in paragraph 18 in that portion of the Plaintiff's Complaint entitled, *Venue*, and leave Plaintiff to her proof of same.

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5. These Defendants admit the allegations contained in paragraph 19 in that portion of the Plaintiff's Complaint entitled, *Allegations Common to All Causes of Action.*

6. These Defendants make no response and leave Plaintiff to her proof of the allegations contained in paragraphs 21, 22, 23, 24, 25, 26,27, 28, 29, 30, 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46 in that portion of the Plaintiff's Complaint entitled, *Allegations Common to All Causes of Action.*

7. These Defendants deny the allegations contained in paragraphs 20, 34, 35, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58 in that portion of the Plaintiff's Complaint entitled, *Allegations Common to All Causes of Action.*

8. These Defendants deny the allegations contained in paragraph 59 in that portion of the Plaintiff's Complaint entitled, *Claims for Relief.*

9. These Defendants deny the allegations contained in paragraph 60 of Count I of the Plaintiff's Complaint.

10. These Defendants deny the allegations contained in paragraph 61 of Count II of the Plaintiff's Complaint.

11. These Defendants deny the allegations contained in paragraph 62 of Count III of the Plaintiff's Complaint.

12. These Defendants deny the allegations contained in paragraph 63 of Count IV of the Plaintiff's Complaint.

13. These Defendants deny the allegations contained in paragraph 64 of Count V of the Plaintiff's Complaint.

14. These Defendants deny the allegations contained in paragraph 65 of Count VI of the Plaintiff's Complaint.

15. These Defendants make no response to the allegations contained in paragraph 66 of Count VII of the Plaintiff's Complaint in that said allegations are not directed against these Defendants. However, insofar as these allegations are directed to these Defendants, said allegations are expressly denied.

16. These Defendants make no response to the allegations contained in paragraph 67 of Count VIII of the Plaintiff's Complaint in that said allegations are not directed against these Defendants. However, insofar as these allegations are directed to these Defendants, said allegations are expressly denied.

17. These Defendants deny to the allegations contained in paragraph 68 of Count IX of the Plaintiff's Complaint.

18. These Defendants deny to the allegations contained in paragraph 69 of Count X of the Plaintiff's Complaint.

19. These Defendants deny to the allegations contained in paragraph 70 of Count XI of the Plaintiff's Complaint.

20. These Defendants deny all prayers for relief set forth in Plaintiff's Complaint.

{Original C.A. No.: PC04-4559}

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

These Defendants plead absolute and qualified immunity as a bar to the within Complaint.

SECOND AFFIRMATIVE DEFENSE

These Defendants plead the public duty doctrine as a bar to the within Complaint.

THIRD AFFIRMATIVE DEFENSE

These Defendants plead all statutory and common law immunity as a bar to the within complaint.

FOURTH AFFIRMATIVE DEFENSE

These Defendants plead insufficiency of service of process as a bar to the within complaint.

These Defendants demand trial by jury.

Defendants,
By their attorneys,

Marc DeSisto, Esq. (#2757)
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{Original C.A. No.: PC04-4559}

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the within Answer was mailed, postage prepaid, on this ~~21st~~ 22nd day of February 2005, to:

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